

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works	(2) MEETING DATE 1/7/2014	(3) CONTACT/PHONE Phil Acosta, Right of Way Agent (805) 781-5290	
(4) SUBJECT Submittal of right of way documents accepting conveyance to the County of San Luis Obispo from Timothy R. Solipasso, Trustee et al for the Los Osos Wastewater Project, Los Osos. District 2.			
(5) RECOMMENDED ACTION It is recommended that the Board: A. Approve and execute the Real Property Transfer Agreement; accept the accompanying Grant Deed by execution of the attached Certificate of Acceptance, and direct the Clerk to return to the Department of Public Works within 72 hours for escrow processing; and B. Authorize the Public Works Director, or his designee, to perform the following remaining duties associated with the acceptance of the real property interests: 1. Execute any remaining escrow related documents necessary to close the transaction associated with this real property interest. 2. Deliver original Grant Deed upon final processing to the County Clerk's office for final recordation.			
(6) FUNDING SOURCE(S) Fund Center 430	(7) CURRENT YEAR FINANCIAL IMPACT \$66,094.00	(8) ANNUAL FINANCIAL IMPACT N/A	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ____) <input type="checkbox"/> Board Business (Time Est. ____)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date:	
(17) ADMINISTRATIVE OFFICE REVIEW Nikki J. Schmidt			
(18) SUPERVISOR DISTRICT(S) District 2 -			

Reference: 14JAN07-C-3

County of San Luis Obispo



TO: Board of Supervisors

FROM: Public Works
Phil Acosta, Right of Way Agent

VIA: Dave Flynn, Deputy Director of Public Works

DATE: 1/7/2014

SUBJECT: Submittal of right of way documents accepting conveyance to the County of San Luis Obispo from Timothy R. Solipasso, Trustee et al for the Los Osos Wastewater Project, Los Osos. District 2.

RECOMMENDATION

It is recommended that the Board:

- A. Approve and execute the Real Property Transfer Agreement; accept the accompanying Grant Deed by execution of the attached Certificate of Acceptance, and direct the Clerk to return to the Department of Public Works within 72 hours for escrow processing; and
- B. Authorize the Public Works Director, or his designee, to perform the following remaining duties associated with the acceptance of the real property interests:
 - 1. Execute any remaining escrow related documents necessary to close the transaction associated with this real property interest.
 - 2. Deliver original Grant Deed upon final processing to the County Clerk's office for final recordation.

DISCUSSION

On September 20, 2006, Assembly Bill 2701 (Blakeslee) was approved and established the County's legislative authority to implement a wastewater project for the community of Los Osos. Several parcels and easements have already been acquired for project implementation, in two phases, including parcels transferred to the County from the Los Osos Community Services District (LOCSD) and five additional properties required for the collection system. Two properties have also been secured for the treatment facility phase of the project.

The subject property is required in fee title for construction of a back-up generator related to the collection system. This property had been previously identified for acquisition last year, but the transaction was deferred pending Coastal Commission approval of the site. This critical approval has recently been completed.

The acquisition is based upon a statutory fair market value appraisal completed by County staff. The execution of the Real Property Transfer Agreement and acceptance of the Deed by execution of the Certificate of Acceptance will allow the Department to proceed with processing and payment pursuant to the Agreement.

OTHER AGENCY INVOLVEMENT/IMPACT

The Office of County Counsel is providing legal guidance on all aspects of the Project and has reviewed and approved the Real Property Transfer Agreement, Grant Deed, and Certificate of Acceptance as to form and legal effect.

Acquisition of the subject property is consistent with the Coastal Development Permit conditions of approval established for the Los Osos Wastewater Project, as confirmed by the Commission at a public hearing on October 10, 2013. The commission's process and action also satisfies all requirements of the California Environmental Quality Act (CEQA), as the Commission's implementation of the Coastal Act is a Certified Regulatory Program under CEQA. Numerous other Federal, State, regional, and local agencies have also been involved in the overall project, including the U.S. Fish and Wildlife Service, the State Water Resources Control Board, the State Historic Preservation Officer, the Native American Heritage Commission, the CA Coastal Commission, the CA Department of Fish and Wildlife, the Regional Water Quality Control Board, the Air Pollution Control District, and others. All required permits and authorizations have been issued for the Project. The County Tax Collector and Auditor-Controller will be involved during the issuance and collection of bonds.

Notice of the proposed conveyance has been published in accordance with Government Code Sections 25350 and 6063. In accordance with Government Code 65402, the Coastal Commission's amendment of the back-up generator site to the County's Coastal Development Permit is in conformance with the Local Coastal Plan and, consequently, with the County General Plan.

FINANCIAL CONSIDERATIONS

The Real Property Transfer Agreement provides for compensation in the amount of \$66,094 for the real property interest to be transferred to the County by this transaction. The project is funded under a combination of Federal (USDA), State, and Local funds and assessments budgeted under the Los Osos Wastewater Project (WBS 300448).

RESULTS

The intended result of this recommendation is to secure a real property interest required for the project. This project is a key element in the plan to address the wastewater issues of the prohibition zone. An additional result of the recommended action will be to improve water quality in this area as soon as possible.

File: Los Osos Wastewater Project WBS 300448

Reference: 14JAN07-C-3

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ATTACHMENTS

1. Vicinity Map
2. Real Property Transfer Agreement
3. Grant Deed/Certificate of Acceptance